



## **MINUTES**

### **BOARD OF EQUAL RIGHTS COMMISSIONERS**

**February 21<sup>st</sup> 2018, at 2:30pm**

**Room 301-A, City Hall, 200 E. Wells Street Milwaukee, WI 53202**

#### **Present:**

Commissioner Jeffery Roman, Chair  
Commissioner Chez Ordonez, Vice-Chair  
Commissioner Tony Snell

#### **Absent:**

Commissioner Sheila Ashley  
Commissioner Mayhoua Moua

Jessica Langill, Dept. of Administration  
Ben Roovers, City Attorney's Office  
Patricia Ruiz-Cantu, Dept. of Administration  
Rebecca Rabatin, ADA Coordinator, Dept. of Administration  
Maria Monteagudo, Director, Employee Relations Department  
La Keisha Butler (by phone), Director, Intergovernmental Relations Department  
Karen Dettmer, Department of Public Works  
James Hannig, Department of Public Works

The meeting was called to order at 2:35pm without quorum.

#### ***1. Approval of Minutes from January 17th Meeting***

Commissioner Ordonez called the meeting to order and stated that Commissioner Ashley and Commissioner Moua were not able to attend the meeting, meaning there was no quorum. Approval of minutes and any other Commission decisions would need to be held until March meeting.

#### ***2. Senate Bill 634 Update (La Keisha Butler, IRD)***

La Keisha Butler, Director of Intergovernmental Relations, called into the meeting due to needing to also be at the Capitol. She stated that Senate Bill 634 has had hearings in both the Senate (6-3) and Assembly (3-2) and has been passed out of Committee on both sides. She stated the Assembly was going to vote on the bill tomorrow (2/22) at 1:00pm. Ms. Butler stated that an amendment to the bill was made that removed the prohibition against municipalities

having their own employment discrimination ordinances. She stated that because of this amendment, Milwaukee's Chapter 109 would be safe for now. Ms. Butler stated that the city is still opposed to the bill for other reasons.

Ms. Butler stated the bill will most likely pass through Assembly. Commissioner Ordonez asked what other ramifications this bill would have on the City of Milwaukee. Ms. Butler stated it would still prohibit the city from having ordinances regarding wage claims, employee hours and overtime, and employee benefits. She said she was also looking into how this bill might impact the city's Residence Preference Program (RPP) which dictates that in city contracts, at least 40% of labor must go to city of Milwaukee residents.

Commissioner Ordonez asked if Chapter 109 has been specifically brought up in any of the conversations or if there was a likelihood that it would be brought up before the vote. Ms. Butler stated that she was not sure if it would be brought up, but that it could be reconsidered next session. She stated the earliest we may see this brought up again would be early January of 2019.

Ms. Butler reminded that the Commissioners were free to reach out to any representatives as members of the public but to be careful not to violate lobbying laws informing the representative that they are an ERC Commissioner.

Commissioner Ordonez stated that he had an advocacy letter/call to action draft that he would like to share with Ms. Butler for future use by the ERC when other equal rights issues come up. Ms. Butler stated that she would be happy to review it and make sure it follows protocol.

Commissioner Snell thanked the community organizations and Jason Rae with the Wisconsin LGBT Chamber of Commerce for taking on the issue and working with representatives. Commissioner Snell recognized a hand in the audience and asked Commissioner Ordonez to explain the speaker slip he put together.

Commissioner Ordonez stated that he put together a speaker slip that he is recommending to be used in all future meetings. These speaker slips will allow the ERC to keep track of community involvement in ERC meetings as well as a record of the issues the community is passionate about. He also stated that it would benefit the Commission to limit speaking time in future meetings to allow for everyone to have a chance to speak. He stated that public dialogue should be addressed at the end of the meeting unless the Commission invites a subject matter expert to speak on a specific agenda item.

### ***3. City's Anti-Harassment Initiative (Maria Monteagudo)***

Commissioner Ordonez invited Maria Monteagudo, Director of Employee Relations, to speak about the city's anti-harassment initiatives. Ms. Monteagudo stated that in November of 2017 she had a conversation with Mayor Barrett about sexual misconduct in the workplace. She

stated she looked at the current city policy and felt that it was not enough. She said the policy needed to be updated but also that mandatory training must be done.

Ms. Monteagudo stated that she learned about a task force that the EEOC had put together in 2015 to address the issue. The task force put together a report in 2016 about what employers needed to do to implement strong anti-harassment policies and trainings. Ms. Monteagudo stated she drafted a new policy based on the recommendations from this report and then worked with city department HR managers to finalize it.

Ms. Monteagudo stated that this new outlines the commitment of the city to make sure all employees are treated with respect and able to work in a safe environment. She stated that the policy also outlines the responsibility of the person who feels as though they are being harassed to ask the person to stop and to also report the harassment to management. The policy also outlines the responsibility of witnesses and managers. Ms. Monteagudo stated that the policy requires city departments to notify Employee Relations when a complaint has been filed and when the findings of the investigation have been decided.

Ms. Monteagudo stated that the city has already trained city HR managers on how to conduct harassment complaints. She stated that the city has also contracted with a consulting firm in Minnesota that will be providing mandatory training to managers and supervisors on the policy and how to spot and stop harassment in the workplace. Commissioner Snell and Ordonez asked if Commissioners or ERC staff could attend the training. Ms. Monteagudo instructed Jessica Langill to reach out to get into the trainings. She stated that after all managers and supervisors are trained, all city employees will receive a training as well by the end of summer 2018.

Commissioner Snell asked how many complaints have been received prior to the new policy. Ms. Monteagudo stated that DER has received less than five harassment complaints that have risen to a level that would be in clear violation of the new policy. Commissioner Snell stated that this new policy should provide an opportunity for city employees to feel more comfortable and safe to come out about harassment they have experienced and that DER may receive an influx of harassment complaints. Commissioner Snell asked if city contractors would also have to follow the new policy. Ms. Monteagudo stated that the City Attorney's office reached out last week and is looking at including the new language in their city contracts.

Commissioner Ordonez asked how the ERC could support the Employee Relations Department with the new policy. He also asked how this policy could eventually be expanded to all employers in the City of Milwaukee. Ms. Monteagudo stated that an outreach campaign in which smaller employers are educated on the issues would be a good start. She also stated that she is open to employers using the city's policy as a template for their own.

Commissioner Ordonez asked if there is an appeals process for employers who may not be satisfied with the findings of the investigation. Ms. Monteagudo stated that there is not a set appeals process of the city but that complainants can take their complaint to the state or federal level. Commissioner Ordonez stated that the ERC would be happy to champion this policy and educate the public on it.

Commissioner Ordonez asked what the process would be for employees who bring a harassment complaint to the ERC instead of DER. Ben Roovers, Assistant City Attorney, stated that the complaint should be sent to DER for review. Commissioner Ordonez stated it would be helpful to have MOU or written procedure for this process in order to have an open and transparent process for complainants. Commissioner Roman asked if a city employee did not feel comfortable going to DER but went to the ERC instead if the ERC would be able to hear the complaint. Ms. Monteagudo stated that it would be important to be very careful in that type of situation and to understand personnel matters and due process. She stated the ERC could refer these complaints to the correct department/entity but that they should not take on the investigation of the complaint. Commissioner Ordonez stated that the ERC could request a report on the complaints.

#### ***4. Accessible Bike Update (Commissioner Ordonez & Commissioner Snell)***

Commissioner Snell stated that he and Commissioner Ordonez had a meeting with Karen Dettmer, Jeff Polenske, and James Hannig from the Department of Public Works to discuss the accessible bikes issue. He stated that the ERC and the city do want to offer accessible bikes for those with varying abilities, but that there is much to be decided around how to make it happen. He stated that money and resources need to be considered, but that a resolution needs to be reached in a timely manner.

Commissioner Snell stated that it is important to bring stakeholders together to have a working meeting to discuss the process. Commissioner Ordonez stated that they asked DPW to provide a report to the Commission regarding any road blocks to bringing accessible bikes to Milwaukee along with a feasible plan and timeline.

Commissioner Ordonez also brought up city funding and grants and making sure that full equality is being considered when applying for grants in the future. He stated that the city must act at the best interest of all residents. He also stated that he requested that stakeholder meetings be held in conjunction with or through the ERC.

Commissioner Snell stated that they also spoke about the role of the ERC if another grievance is filed. He stated the ERC would look to the Assistant City Attorney for guidance on that but that it is the hope that things can be resolved before a grievance is filed. Commissioner Snell also stated that the city's ADA Coordinator should be included in these discussions and work groups.

#### ***5. Commissioner Handbook & Operating Procedures Draft/Procedures & Policies Committee***

Commissioner Ordonez stated that the current draft of the ERC Commissioner Handbook and Operating Procedures has been drafted to mirror Minneapolis'. He stated this handbook will cover how community members testify before the ERC, what the role of a Commissioner is and what responsibilities a Commissioner holds. He stated the handbook and procedures would show the community that the ERC is serious about the work that they do.

Commissioner Ordonez brought up an edit from Ben regarding ERC being an independent body. He stated that he understands that the power of the ERC comes from the Common Council and that the ERC is housed in DOA, but that he does not have an issue with calling out members of the CC if they are doing anything discriminatory. He stated that the main job of the ERC is to make sure equal rights are not being violated in the city.

Ben Roovers stated that the powers of the ERC are solely what is granted by the Common Council. Mr. Roovers stated that the ERC needs to be careful to stay in its role under the ordinance. In regards to the accessible bike share discussion, Ben Roovers stated that the ERC needed to be careful to not go outside its role by advocating for a certain bike share company. Commissioner Ordonez stated that the ERC's job is to make sure that accessibility for all is being provided by the city and that when the city is failing to do so, that it is the ERC's role to be an advocate and bring the right people to the table.

Commissioner Snell stated the ERC should be providing a space for advocates to come and speak up and follow the right process. He stated the ERC needs to make sure to appear impartial in all situations. Mr. Roovers stated that the Chapter 109 Ordinance clearly states that the ERC's primary function is to be a judicial body. He stated it is very important to have balance between advocacy and neutrality.

Mr. Roovers stated that the Commission Handbook and the Policies & Procedures handbook should be reviewed through the City Attorney's Office. He stated the ERC is part of the Municipal Corporation that is the City of Milwaukee. As such, Mr. Roovers stated at the end of the corporation of the city is his client and that he sees serious conflict in a situation where the ERC would take a position in opposition to the city. Commissioner Roman stated the ERC has been able to be proactive in the past to discuss opposing viewpoints directly with the Mayor's office and Common Council. Mr. Roovers stated it is completely acceptable for the ERC to meet directly with the Mayor's office and Common Council to express concerns, but that the ERC needs to be careful letting it get beyond that, such as public statements against elected officials of the city. Commissioner Ordonez stated that it is the intent that the ERC never has to make a statement like that, but that there is no point in having an Equal Rights Commission if it cannot speak out against blatant discrimination.

Commissioner Snell stated that the Commission needs to come together and have a strategic planning retreat and that the ERC needs to start educating the public on what the ERC can do for the community. Commissioner Roman stated that education and engagement is important and that the ERC can articulate concerns through the annual report and other measures that would keep the ERC within its boundaries.

Commissioner Ordonez asked Commissioners to go through the handbook and provide Ms. Langill with any edits or suggestions. Once there is a more final draft the Commission can discuss it for passage.

## ***6. Listening Sessions for 2018***

Commissioner Ordonez stated that listening sessions would need to be scheduled out for 2018 in order to find interested community partners and allow for planning time. The Commission discussed potential groups that should be reached out to including the Muslim community, the Hispanic community, the African American community, the Jewish center, Hmong, Native, fair housing, homeless, HIV, victims of sexual abuse and the aging population.

Commissioner Ordonez stated that we should reach out to Diverse & Resilient and ARCW to discuss partnering in work with the HIV community as well as reaching out to Sojourner and the Benedict Center to discuss the homeless and victims of domestic abuse populations.

Commissioner Roman suggested we focus the 2018 listening sessions on the faith community, homeless/fair housing community, and the domestic abuse population.

## ***7. New Commissioner Update***

Commissioner Ordonez stated two names have been submitted to the Mayor's office for nomination. He stated the ERC is currently waiting for a response from the Mayor's office on when the review will be completed and when applicants will be contacted for appointment. Rebecca Rabatin stated that she may know a couple other people that may want to serve on the Commission. Commissioner Ordonez asked her to forward those names on to Ms. Langill.

Commissioner Ordonez also stated that there was discussion in sub-committee about changing the time of the monthly ERC meetings to be more accessible to the general public. He stated other successful commissions hold their meetings after business hours. Commissioner Snell stated that there was also discussion about moving the Commission meetings up to 2pm so the staff could leave the office in time and that listening sessions would be after hours for public involvement. Commissioner Ordonez stated it is going to be important to also take into consideration the availability of new Commissioners.

## ***8. Community Dialogue & Upcoming Events***

Rebecca Rabatin, ADA Coordinator, thanked the Commission for working on the adaptive bikes issue. Commissioner Ordonez stated the ERC would make sure she is included in further meetings about adaptive bikes. Ms. Rabatin also suggested that we get started on planning for the next Human Rights Day.

## ***9. Next Meeting Date: March 21st, 2018 at 2:30pm***

## ***10. Adjourn***

Meeting adjourned at 4:25 p.m.

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